

Message Text

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PAGE 01 STATE 165607

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ORIGIN EB-11

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DRAFTED BY EB/AN:AJRIMAS:DAP

APPROVED BY EB/TT:JSMEADOWS

CAB - MR. SMITH

L/EB - MR. GAITHER

EUR/WE - E. BEIGEL

EB/AN - W. COBB

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R 302219Z JUL 74

FM SECSTATE WASHDC

TO AMEMBASSY LUXEMBOURG

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E.O. 11652:N/A

TAGS: ETRN, LU

SUBJECT: CIVAIR: AIR EUROPE

REF: A) STATE 96110; B) MEXICO 6231

1. DEPARTMENT AND CAB CONVINCED THAT SOLE PURPOSE OF AIR EUROPE'S OPERATION IS TO PROVIDE SCHEDULED SERVICE BETWEEN CALIFORNIA AND LUXEMBOURG THROUGH TIJUANA AIRPORT. THIS ARRANGEMENT IS IN BOARD'S VIEW A SUBTERFUGE WHICH HAS BEEN FASHIONED IN AN ATTEMPT TO AVOID THE PROVISIONS OF THE FEDERAL AVIATION ACT WHICH REQUIRES AUTHORITY FROM THE CAB AS A PREREQUISITE TO OPERATIONS TO AND FROM THE UNITED STATES. WE ARE PRESENTLY EXPLORING WHAT OPTIONS ARE AVAILABLE TO USG TO CURTAIL AIR EUROPE'S SERVICE IN OR OVER US TERRITORY.

2. CONSISTENT WITH OUR POLICY TO DISCOURAGE SUCH UNREGULATED CUT-RATE OPERATIONS AFFECTING US SOURCE TRAFFIC,
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PAGE 02 STATE 165607

EMBASSY LUXEMBOURG IS REQUESTED TO INFORM THE GOL OF OUR

CONCERNS EITHER BY NOTE TO FOREIGN MINISTRY OR BY LETTER TO MINISTER OF TRANSPORT ALONG THE LINES OUTLINED PARA 3 REF A AS REPEATED BELOW:

QUOTE: THE UNITED STATES GOVERNMENT HAS LEARNED THAT CERTAIN UNITED STATES CITIZENS HAVE ORGANIZED AIR EUROPE INTERNATIONAL, S.A., A LUXEMBOURG CORPORATION WHOSE PURPOSE

APPEARS TO BE TO OFFER SCHEDULED AIR TRANSPORTATION BETWEEN THE LOS ANGELES AREA AND LUXEMBOURG USING THE NAME "AIR EUROPE" AND UTILIZING THE TIJUANA AIRPORT.

THE FORMATION OF THIS COMPANY AND ITS PROPOSED METHODS OF OPERATION APPEAR TO BE AN EFFORT TO CIRCUMVENT UNITED STATES LAW AND REGULATION WHICH REQUIRE THAT A COMPANY OWNED AND CONTROLLED BY US CITIZENS OFFERING TO TRANSPORT US TRAFFIC IN INTERNATIONAL SERVICE MUST OBTAIN AUTHORITY FROM THE US CAB, WITH FINAL APPROVAL BY THE PRESIDENT, PRIOR TO OFFERING SUCH SERVICES. THE OPERATORS APPARENTLY SEEK TO SOLICIT UNITED STATES ORIGIN AND DESTINATION TRAFFIC TO THE POTENTIAL DETRIMENT OF THE US AND FOREIGN CARRIERS PRESENTLY AUTHORIZED TO PROVIDE SCHEDULED AND SUPPLEMENTAL SERVICE IN THESE MARKETS. IN VIEW OF THE CLOSE AND CORDIAL RELATIONS BETWEEN OUR TWO COUNTRIES, WE WISH TO CALL OUR CONCERN TO YOUR ATTENTION IN THE HOPE THAT APPROPRIATE STEPS CAN BE TAKEN TO PREVENT THIS IRREGULAR SERVICE. END QUOTE. KISSINGER

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